

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32386 of 2023

Arising Out of PS. Case No.-454 Year-2022 Thana- GAIGHAT District- Muzaffarpur

ROCKY @ RAJA Son of Devendra Ray Resident of Village - Mahmadpur
Sura, P.S.- Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
N.D.P.S. P.S. Case No. 214 of 2022 arising out of Gaighat
(Benibad O.P.) P.S. Case No. 454 of 2022 registered for the
offences under sections 399, 402 and 414 of the Indian Penal
Code, sections 25(I-b)a, 26 and 35 of the Arms Act and sections
8, 20(b)(ii)(B) of the N.D.P.S. Act lodged on 20.09.2022 by the
informant, Basudeo Ravidas.

The prosecution story, in brief, is that one Basudeo
Ravidas, A.S.I. of Benibad O.P. gave a computer typed written
report alleging therein that on 20.09.2022 at about 10:00 hours
he alongwith police force were on patrolling duty, received a
secret information that near siyari bridge 4-5 persons were



standing therein suspicious condition. On such information, he gave information to the superior officer and proceeded to the place of occurrence.

It has been further stated in his written report that the accuseds on the sight of Police tried to escape but were apprehended while one person managed to escape. They disclosed their names as (1) Rocky @ Raja (2) Raj Garib Kumar @ Garib Nath Kumar (3) Aman Kumar (4) Rajnish Kumar and they disclosed the name of the fled away persons as (5) Manohar Kumar.

Further, on search, from the possession of Rocky @ Raja one loaded country made revolver, one mobile and 2kg. 'ganja' like substance was recovered which from possession of Raj Garib Kumar @ Garib nath Kumar one loaded country made revolver, one live cartridge, one mobile was recovered and from the possession of Aman Kumar 750 gram Cannabis (Ganja), one mobile was recovered while from the possession of Rajnish Kumar one mobile was recovered. Two motorcycles were recovered from the place of occurrence. Accordingly, the FIR.

It has been contended by the learned Counsel for the petitioner that the police have framed him in the case and



attributed recovery/seizure of one country made revolver, mobile as also two kg. 'ganja' like substance. The further submission is that the same is below the commercial quantity and he has already suffered by being in custody since 21.09.2022 (as stated in paragraph 10 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent.

Considering the period of custody as also that the quantity recovered/seized is below the commercial quantity, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned 3rd Additional Sessions Judge, Muzaffarpur in connection with N.D.P.S. P.S. Case No. 214 of 2022 arising out of Gaighat (Benibad O.P.) Gaighat P.S. Case No. 454 of 2022, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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